



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

MEIRICK ET AL.

Atty. Ref.: 4147-144; Confirmation No. 9780

Appl. No. 10/571,606

TC/A.U. 2617

Filed: March 10, 2006

Examiner: Patel, Mahendra R.

For: METHOD FOR DISCARDING ALL SEGMENTS CORRESPONDING TO THE SAME PACKET IN A BUFFER

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November 2, 2010

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE

Responsive to the Official Action dated August 3, 2010, reconsideration and allowance are respectfully requested.

The Examiner rejects claims under 35 USC §112, second paragraph as allegedly being indefinite. The Examiner contends that the meaning of the terms “complete data packet” and “size of a data packet segment” are “indefinite with regard to the technical features to which they refer.” The rejection is respectfully traversed.

First, the Examiner fails to apply the proper legal standard. Claims only are indefinite “if reasonable efforts at claim construction prove futile,” that is, if a claim “is insolubly ambiguous, and no narrowing construction can properly be adopted.” *Exxon Research & Eng'g Co. v. United States*, 265 F.3d 1371, 1375 (Fed. Cir. 2001). “Even if it is a formidable task to understand a